

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of**

**Iowa Network Access Division  
Tariff F.C.C. No. 1**

**WC Docket No. 18-60**

**Transmittal No. 36**

**SUPPLEMENTAL REPLY IN SUPPORT OF AT&T SERVICES, INC.’S  
MOTION TO AMEND PROTECTIVE ORDER**

Pursuant to 47 C.F.R. § 1.45(c), AT&T Services, Inc. (“AT&T”) respectfully submits this Supplemental Reply in support of its Motion to Amend the Commission’s March 26, 2018 Protective Order (“*Protective Order*”).

With the benefit of the Direct Case and Rebuttal now in hand, it is clear that the reasons proffered by Iowa Network Services, Inc. d/b/a Aureon Network Services (“Aureon”) in its Opposition to AT&T’s Motion to Amend are not accurate. The information Aureon produced is *not* “far broader than produced in the Complaint Proceeding,” and it does *not* include “the information of third parties.”<sup>1</sup> Moreover, given that Aureon’s submissions focus heavily on the arguments and material Mr. Rhinehart submitted in the formal complaint proceeding, denying Mr. Rhinehart the ability to review those submissions is not justified. Accordingly, the Commission should amend the *Protective Order* so that Mr. Rhinehart and other in-house experts can view Confidential Information in this proceeding.

---

<sup>1</sup> Opposition of Iowa Network Services d/b/a Aureon Network Services to AT&T Services, Inc.’s Motion to Amend Protective Order and for Declaratory Ruling, *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, at 1, 3-4 (Apr. 30, 2018) (“Opp.”).

*First*, Aureon did *not* produce information that “is far broader than the information provided in the Complaint Proceeding.” Opp. at 3. In its *Designation Order*, the Commission directed Aureon to produce information sufficient to justify the purported COE and CWF “revenue requirements” in Annex 3.<sup>2</sup> Aureon used this request to justify its Opposition to AT&T’s Motion to Amend, arguing that it was never required to provide such information in the complaint proceeding for its unregulated “Network Division.” Opp. at 3. It further suggested that it would produce with its Direct Case highly sensitive “revenues, assets, capital costs, other expenses, and tax information related to [the Network Division’s] fiber lease business. . . .” *Id.* Yet no such information was produced. Indeed, as discussed below, Aureon now concedes that information supporting its COE and CWF “revenue requirements” *does not exist*.

In its Direct Case, Aureon explains that **[[BEGIN CONFIDENTIAL]]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

<sup>2</sup> Order Designating Issues for Investigation, *Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, ¶ 27 (Apr. 19, 2018) (“*Designation Order*”).

<sup>3</sup> Direct Case of Iowa Network Access Division d/b/a Aureon Network Services, *In the Matter of Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, at 43 (May 3, 2018) (“Direct Case”).

<sup>4</sup> AT&T Services, Inc.’s Opposition to Direct Case of Iowa Network Access Division d/b/a Aureon Network Services, WC Docket No. 18-60, at 45-49 (May 10, 2018) (“AT&T Opposition to Direct Case”).

<sup>5</sup> *Id.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[[END CONFIDENTIAL]]** Accordingly, the Commission should reject this rationale in its consideration of AT&T's Motion to Amend.

*Second*, Aureon's submission does *not* contain "confidential information of third parties" that it was not required to produce in the complaint proceeding. Opp. at 4. Aureon argued that it would be producing "historic traffic data at a very granular level" that would "enable AT&T and other long-distance carriers to assess, in greater detail, their own respective market shares of Aureon's overall traffic over time." *Id.* This contention is also false. In connection with Jeff Schill's declaration, Aureon submitted **[[BEGIN CONFIDENTIAL]]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

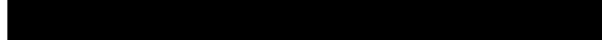
<sup>6</sup> Consolidated Rebuttal of Iowa Network Access Division d/b/a Aureon Network Services, *In the Matter of Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, at 40 (May 17, 2018).

<sup>7</sup> AT&T Opposition at 70-71.

<sup>8</sup> See AT&T Exhibits 70 through 72 to AT&T's Formal Complaint submission.

<sup>9</sup> Direct Case, Declaration of Jeff Schill, Attachments 1-2.

<sup>10</sup> See AT&T Opposition, Exhibit 23 (native excel, including hidden rows).

 **[[END CONFIDENTIAL]]** Because Aureon did not submit any third party data, the Commission should also reject this rationale.

*Third*, there is no justifiable basis to prevent Mr. Rhinehart from accessing the Confidential Information Aureon submitted in its Direct Case and Rebuttal. As noted above, the material Aureon submitted is *not* more expansive than the information it submitted in the formal complaint proceeding (which Mr. Rhinehart had full access to), nor does it contain third-party information. Rather, Aureon has submitted the same type of data (for 2018) that it submitted in the formal complaint proceeding (for 2006 through 2017). Moreover, Aureon's submissions focus heavily on the arguments and materials Mr. Rhinehart submitted in this proceeding and in the formal complaint proceeding, but Aureon has designated those sections almost entirely as "Confidential," thereby preventing Mr. Rhinehart from fully viewing Aureon's responses.

In light of the above, and as AT&T explained in its Reply, Aureon is seeking to use the *Protective Order* improperly as a sword to gain a strategic advantage, and not solely as a shield to keep legitimately sensitive information from the public and/or competitive decision-makers. Aureon's position here is inconsistent with the position it took in the formal complaint proceeding, which involved the same type of data the Commission requested in connection with this tariff investigation. To restrict Mr. Rhinehart and other internal consultants from accessing what are effectively "updates" to the same type of material Aureon provided in the complaint proceeding makes no sense and should not be countenanced.

---

<sup>11</sup> **[[BEGIN CONFIDENTIAL]]** 

 **[[END CONFIDENTIAL]]**

**CONCLUSION**

For these reasons and the reasons set forth in AT&T's Motion to Amend, as well as its Reply, the Commission should grant AT&T's motion to amend the protective order. At a minimum, Aureon should be required to specifically identify the material it has submitted in this proceeding that is different and more sensitive than the material Mr. Rhinehart has already been permitted to review. As to the remaining material designated "Confidential" (including Aureon's responses to the points made by Mr. Rhinehart in his declaration in this proceeding), Mr. Rhinehart should be permitted to review all such material and thereby permit AT&T to present a complete record for the Commission's consideration.

**PUBLIC VERSION**  
**REDACTED - FOR PUBLIC INSPECTION**

Respectfully submitted,

/s/ Michael J. Hunseder  
Michael J. Hunseder

Christi Shewman  
Gary L. Phillips  
David L. Lawson  
AT&T SERVICES, INC  
1120 20th St., NW  
Suite 1100  
Washington, DC 20036  
(202) 457-3090  
(202) 463-8066 (fax)

Letty Friesen  
AT&T SERVICES, INC  
161 Inverness Drive West  
Englewood, CO 80112  
(303) 299-5708  
(281) 664-9858 (fax)

James F. Bendernagel, Jr.  
Michael J. Hunseder  
Spencer Driscoll  
Morgan Lindsay  
SIDLEY AUSTIN LLP  
1501 K Street NW  
Washington, DC 20005  
jbendernagel@sidley.com  
mhunseder@sidley.com  
(202) 736-8000  
(202) 736-8711 (fax)

Brian A. McAleenan  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, IL 60603  
(312) 853-7000  
(312) 853-7036 (fax)

Dated: May 30, 2018

*Counsel for AT&T Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2018, I caused a copy of the foregoing Supplemental Reply in Support of AT&T Services, Inc.'s Motion to Amend Protective Order to be served via email on the following:

Joseph Price  
Pam Arluk  
Joel Rabinovitz  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554  
*Public and Confidential Versions*

Keith C. Buell  
Director, Government Affairs  
Sprint Communications Company L.P.  
900 Seventh Street NW, Suite 700  
Washington, D.C. 20001  
Keith.Buell@sprint.com  
*Public Version*

James U. Troup  
Tony S. Lee  
Fletcher, Heald & Hildreth  
1300 North 17th Street  
Suite 1100  
Arlington, VA 22209  
troup@fhhlaw.com  
lee@fhhlaw.com  
*Public and Confidential Versions*

Curtis L. Groves  
Associate General Counsel  
Federal Regulatory and Legal Affairs  
Verizon  
1300 I Street, N.W., Suite 500 East  
Washington, D.C. 20005  
curtis.groves@verizon.com  
*Public Version*

Steven A. Fredley  
Amy E. Richardson  
Harris, Wiltshire & Grannis LLP  
1919 M Street, N.W.  
8th Floor  
Washington, DC 20036  
SFredley@hwglaw.com  
arichardson@hwglaw.com  
*Public Version*

Respectfully submitted,

/s/ Michael J. Hunseder  
Michael J. Hunseder